

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7 of the Court's local rules, defendants, the United States Food and Drug Administration, *et al.* (FDA), respectfully request that the Court grant a 60-day extension of time, to and including November 28, 2017, for us to respond to plaintiff's motion for summary judgment. Our response and cross motion is currently due on September 29, 2017. This is our first request to extend this deadline. Counsel for plaintiff, the Texas Department of Criminal Justice (Texas), has indicated that Texas does not oppose this request.

This case touches on issues that require close consultation between the U.S. Justice Department and the Department of Health and Human Services. That consultation has been ongoing, but it is now apparent that additional time is needed for the Government to coordinate its position—and for us to formulate our response and obtain supervisory review. We believe 60 days are necessary for us to complete these tasks.

For these reasons, we respectfully request that the Court grant the requested extension, and permit us to file our brief on or before November 28, 2017. We likewise request that the Court adjust the remainder of the briefing schedule by extending all other deadlines by the same amount.

Respectfully submitted,

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s/ Alexander V. Sverdlov
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September 8, 2017

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 8th day of September, 2017, a copy of the foregoing “DEFENDANTS’ CONSENT MOTION FOR AN EXTENSION OF TIME” was filed electronically. This filing was served electronically to all parties by operation of the Court’s electronic filing system.

s/ Alexander V. Sverdlov